

## **REMARKS**

### **Drawings**

Replacement drawings are being submitted with the response to comply with 37 CFR 1.121(d).

### **Rejection of Claims 1-7 9-10, 12-24 and 31-32 under 35 USC 102(e) as being anticipated by Wakelam (6,859,768)**

Claim 1 as amended states' that the cost estimation process of the invention is specifically for residential buildings. This is to be contrasted with commercial type structures that have different design characteristics and material considerations. The Wakelam reference discloses a process that may be used for designing and modeling commercial buildings. Throughout the specification the wakelam reference discloses the use of commercial design characteristics. At column 7 lines 52-65 the reference describes the use of a commercially available object oriented parametric building modeler that is used for commercial buildings and does not include characteristics for a residential building. Additionally, the Wakelam reference discloses the use of a process that includes using massing elements to implement the system. The massing elements include various considerations for a commercial building such as the building shape massing element, core zone massing element, cladding massing element and various other massing elements listed at columns 10 and 11. These design parameters are not used in the residential process of the invention. Specifically the design characteristics for the residential process of the invention do not include a specific building shape element, that may be used in commercial building types that have a simplified shape or footprint. All of the elements

listed in the Wakelam reference are designed for use in a commercial building and do not take into account the unique residential characteristics of the present invention. Claims 1 and 32 have been amended to specifically point out these differences between the Wakelam reference and the invention. No where in the Wakelam reference is the process described for use in residential building. There is a fundamental difference in the Commercial design of buildings in the Wakelam reference and the invention.

As the Wakelam reference does not teach each and every limitation of Claim 1, and 32 withdrawal of the above rejection is respectfully requested. (see MPEP section 2131)

**Rejection of Claim 3 under 35 USC 103(a) as being unpatentable over Wakelam in view of Burns (5,189,606)**

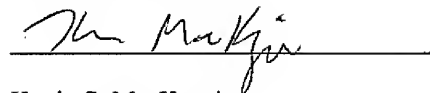
As outlined above, the Wakelam reference discloses a process for use in commercial buildings that does not provide for residential design characteristics or considerations. Similarly, the burns reference discloses a process for building military facilities and not residential structures. Neither the Wakelam nor the Burns reference discloses the unique residential design characteristics, residential project criteria, and residential construction assemblies as detailed in the invention.

Therefore, for the forgoing reasons, withdrawal of the above rejection is respectfully requested.

**Conclusion**

It is argued that the present amendment places all of the claims in condition for allowance and a notice to that effect is respectfully requested. The Examiner is invited to telephone the undersigned attorney if doing so would advance prosecution of this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin S. MacKenzie", is written over a horizontal line.

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